IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 7057 of 1995

Between:

Mysker Muralidhar, S/o. Buchanna.
R/o. Narsapur (G), Dilavarpur Mandal,
Adilabad.

..... PETITIONER

AND

1 The Presiding Officer, Industrial Tribunal cum Labour Court, Godavarikhani, Karimnagar District.
2 The Asst. Director of Fisheries, Adilabad District, Hqrs., Nirmal, Adilabad district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari calling for the records from the respondents herein pertaining to I.D.No.150 of 1991 on the file of the Presiding Officer, Industrial Tribunal cum Labour Court, Godavarikhani and consequently direct the Respondents to reinstate the petitioner into service as a Field Man with continuity of service and with all attendant benefits to the petitioner.

Counsel for the Petitioner: MR. Y.ASHOK RAJ

Counsel for the Respondent No.: GP FOR LABOUR

The Court made the following :

ORAL ORDER:

This writ petition is filed against the order of the Industrial Tribunal-cum-Labour Court, Godavarikhani dated 25-10-1993 in I.d.No.150 of 1991 whereby the petition filed under Section 2-A(2) of the Industrial Disputes Act, 1947, seeking reinstatement in service, was dismissed with exemplary costs.

The facts as noted by the Labour Court are that the petitioner was appointed as a Field Man in the office of the respondent in 1970, that he worked as such from 11-1-1970 to 31-5-1971 and was terminated from service on 31-5-1971, without a valid reason or cause. A counter affidavit was filed on behalf of the respondent Assistant Director, Fisheries wherein it was stated that the petitioner was appointed as a Field Man under emergency provisions in the leave vacancy of one Sri Gangadhar Rao, that the petitioner reported for duty on 11-11-1970, that the appointment of the petitioner was purely temporary and was liable to be terminated without assigning reasons, and that the petitioner expressed his willingness to work knowing fully well that the post in which he was appointed was a temporary one and there was no guarantee of work even for one month. The petitioner, during cross-examination, admitted that the job given to him was a temporary job and that he was informed even at the time of his initial appointment that he could be terminated at any time and that he was not entitled for any quarters etc., The Labour Court held that in view of the said admission made by the petitioner and in view of the fact that he had belatedly approached the Labour Court in 1991 twenty years after he was removed from service, the petitioner was not entitled for the relief of reinstatement as sought for by him. The Labour Court also noticed that the petitioner workman had manipulated the records to show that he had put in service for more than one year though actually he had put in service of just a little more six month. The Labour Court held that the petitioner should not be let off and should be made to reap the consequences of tampering and intentionally misguiding and misleading the Court. Accordingly an award was passed dismissing the petition with exemplary costs of Rs.500/-.

Except reiterating the facts as stated before the Labour Court no fresh grounds are urged warranting interference with the award of the Labour court. It is clear from the evidence recorded by the Labour Court that the petitioner had manipulated the records to mislead the Court. Since the petitioner has admittedly not put in the requisite continuous service of 240 days in a calendar year and as he had approached the Labour Court after a lapse of more than 20 years and more particularly in view of the categorical finding of the Labour Court that the petitioner had manipulated the records to give an impression that he had put in service of more than one year, I see no reason to interfere with the award of the Labour Court.

The writ petition is devoid of merits and as such the same is dismissed with cost.

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10-6-2005

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To

1 The Presiding Officer, Industrial Tribunal cum Labour Court,
Godavarikhani, Karimnagar District.
2 The Asst. Director of Fisheries, Adilabad District, Hqrs.,
Nirmal, Adilabad district

3. Two C.Cs. to the G.P. for Labour, High Court Buildings, Hyderabad

4. Two C.D copies